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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, NGON BINH

ART UNIT

PAPER NUMBER

2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,227	Applicant(s) KAWAI ET AL.	
	Examiner NGON NGUYEN	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 4/19/10 has been entered:

Claim(s) 1 have been amended.

Claim(s) 6 have been canceled.

No Claims have been added. Claims 1-5, and 7 are still pending in this application, with claims 1 and 7 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugitami et al. (US Patent No. US D514,575).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With reference to claim 1, Sugitami et al. discloses an image reader, FIG 1, comprising:

- a flatbed mechanism (FIG 2);

- an auto-document feeder mechanism (FIG 4);

- wherein the auto-document feeder mechanism is supported via a movable coupling mechanism so that the relative position and relative orientation of the auto-document feeder mechanism in relation to the flatbed mechanism can be changed (FIG 3 is another perspective view of FIG 1 with the ADF (auto document feeder) moved to the left side. FIG 4 is another perspective view of FIG 1 with the ADF rotated by 180 degrees, i.e. "the relative position and relative orientation of ADF in related to the flat bed mechanism can be changed" inherently with the support of a movable couple mechanism);

the auto-document feeder mechanism operates at a relative position selected from a plurality of positions with an orientation selected from opposite orientations on the flatbed mechanism, the auto-document feeder mechanism being configured to operate at each of the plurality of positions in each of the opposite orientations (FIG 3

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illustrates the horizontal movement of the ADF to any or a plurality of positions on the horizontal axis and FIG 4 illustrates the rotational of the ADF to a plurality of angles.

Both movements have no effect on the ADF operations).

With reference to claim 2 (depends on claim 1), Sugitami et al. further discloses the scanner, wherein:

an auto-document feeder mechanism support base is provided at a position that does not obstruct the opening and closing of a paper-pressing board of the flatbed mechanism, and the auto-document feeder mechanism is disposed on the auto-document feeder mechanism support base via the movable coupling mechanism, whereby reading with the flatbed mechanism and reading with the auto-document feeder mechanism are simultaneously performed (FIG 2 shows the ADF is mounted on the mechanical support assembly that does not obstruct the opening and closing of the flat bed document cover/pressure via two hinges. FIG 2 and FIG 3 , for example, illustrates when the flatbed document cover is closed the reading with the ADF and with flat bed can be performed simultaneously).

With reference to claim 3 (depends on claim 1), Sugitami et al. discloses the scanner, further comprising:

as the movable coupling mechanism, rails provided on the flatbed mechanism, a slider which is movable along the rails, and a rotating post for coupling the slider and the auto-document feeder mechanism, whereby the auto-document feeder mechanism can be moved along the rails and rotated (FIG 3 illustrates the movement of the ADF

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horizontally being via the sliding rails on both sides and on top of the scanner. FIG 4 illustrates the ADF rotating 180 degree inherently by means of a pivot or rotating post mechanism supported by the rails. The ADF can rotate while moving along the rails).

With reference to claim 4 (depends on claim 1), Sugitami et al. discloses the scanner, further comprising:

as the movable coupling mechanism, rails provided on the flatbed mechanism, and the auto-document feeder mechanism itself having a shape which enables the auto-document feeder mechanism to be fitted onto the rails with an orientation selected from opposite orientations, whereby the auto-document feeder mechanism itself can move along the rails (FIG 4 and FIG 5, for example, illustrates the design conditions).

With reference to claim 7, Sugitami et al. discloses the scanner, FIG 1, comprising:

a flatbed document-reading mechanism (FIG 2);

an auto-document feeder mechanism (FIG 1 or FIG 4);

a movable coupling mechanism supporting the auto-document feeder mechanism so that the auto-document feeder mechanism is configured to move with respect to a surface of the flatbed document-reading mechanism and rotate with respect to the flatbed document-reading mechanism (FIG 3 is another perspective view of FIG 1 with the ADF (auto document feeder) moved to the left side. FIG 4 is another perspective view of FIG 1 with the ADF rotated by 180 degrees, i.e. "the relative position

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and relative orientation of ADF in related to the flat bed document reading mechanism can be changed” inherently with the support of a movable couple mechanism).

4. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Sugitami et al. (US Patent No. US D514,575) as evidenced by Wang (US Patent No. 6,069,715).

With reference to claim 5 (depends on claim 1), Sugitami et al. discloses the scanner, further comprising:

as the movable coupling mechanism, coupling protrusions provided on a bottom portion of the auto-document feeder mechanism, wherein the coupling protrusions are inserted into selected holes of attachment holes provided at a plurality of positions on the flatbed mechanism, whereby the auto-document feeder mechanism can be disposed at a selected position with an orientation selected from opposite orientations (using protrusions or posts to plug in holes at a plurality of positions or similar holding mechanism to secure the ADF at a selected position is implicit in the Sugitami design. As evidenced by reference Wang, FIG 1; column 1 lines 17-18, which explains the application in using posts 14 which are plugged into the related plug-in holes 16 to mechanically secure the ADF on the flat bed of the scanner. The same application inherently can be repeated as required to locate the ADF at different positions on the flat bed mechanism).

Response to Arguments

5. Applicant's comment on the priority date of reference P3PC-E737-01-EN is moot in view of the new ground(s) of rejection.

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6. Applicant's arguments with respect to claims 1-5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngon Nguyen whose telephone number is (571)270-7533. The examiner can normally be reached on Mon - Thur 8-5 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NGON NGUYEN

/Examiner, Art Unit 2625

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625